

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—November 4, 2020

Attending: Board members: David Frothingham (Chair), Tom Kinley (Vice Chair), David Rogers (Vice Chair), Bud Wilson, Patrick Farrell, Harry Shepard, and George Lester (Alternate). Staff: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

David Frothingham, Chair, opened the public meeting at 6:30 p.m. and made the following introductory remarks: Applicants and consultants will be given the option to be contacted when their hearing is ready to commence. Applicants should try to have one spokesperson. Staff will give an overview of the project. The Applicant or spokesperson will present any new information to the Board. The DRB members will ask questions, followed by staff questions and comments. The hearing will then be opened to the public for comments and questions. Attendees were advised that the DRB is a seven-member Board and that any approval will require four votes in the affirmative.

- 1) **#111-20: Janet Chadwick** (owner/applicant)
Setback waiver request for a front-entry roof at 76 North Main Street. (VMR zoning district)

Present and sworn in:

Sheena Chadwick, representing the owner/applicant

The Board approved the project with conditions and will issue a written decision within 45 days.

- 2) **#113-20: Everett Norton** (owner/applicant)
Setback waiver request to rebuild decks, add roofs and steps, and enclose an entrance at 2032 U.S. Route 2. (MDR zoning district)

Present and sworn in:

Everett Norton, owner/applicant

The Board approved the project with conditions and will issue a written decision within 45 days.

- 3) **#080-20: Tekla Van Hoven** (appellant), **Judy Foregger, Trustee for the Russell Foregger Revocable Trust** (appellee)
Continued from 9/2 and 10/7/20, appeal of zoning permit #071-20 issued to Russell Foregger Revocable Trust for a 3-lot subdivision of remaining lands and a boundary-line adjustment of Lot 3 off of Loomis Hill Road. (MDR zoning district)

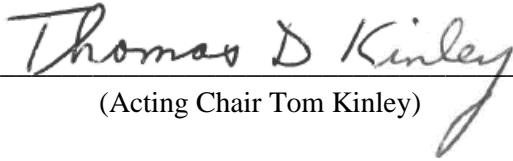
Appellant and Appellee notified the Board in writing that the Appellee has withdrawn zoning permit application #071-20, the subject of the Appeal, which renders the appeal moot.

No further action was required by the Board, other than to dismiss the Appeal application #080-20, as requested by the parties.

- 4) **Agenda items as scheduled by the Chair:**

- Other business: The Selectboard appointed Harry Shepard as a member and Andrew Strniste as an Alternate.

- Approval of prior meeting minutes and decisions:
Motion: Tom Kinley moved and David Rogers seconded the motion to approve the general meeting minutes of October 21, 2020 and decisions #108-20 (Cavalear), #109-20 (Companion), and #107-20 (Rubiano), as amended.
Vote: The motion was approved 7-0.
- Adjournment: There being no other business, the meeting was adjourned at 7:30 pm.



(Acting Chair Tom Kinley)

Approved: November 18, 2020

Notice of upcoming meetings:

Wednesday, November 18, 2020, 6:30 p.m.
Wednesday, December 2, 2020, 6:30 p.m.
Wednesday, December 16, 2020, 6:30 p.m.

Town of Waterbury
Development Review Board
Decision #111-20 - November 4, 2020

Attending: Board members: David Frothingham (Chair), Tom Kinley (Vice Chair), David Rogers, Bud Wilson, Patrick Farrell, Harry Shepard, and George Lester (Alternate). Staff: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

Applicant/Owner:	Janet Chadwick	
Address/Location:	76 North Main Street, Waterbury, VT	
Zoning District:	Village Mixed Residential (VMR)	
Application #	111-20	Tax Map # 19-005.000

Applicant Request:

The applicant seeks approval to construct a new front porch within the front setback at 76 North Main Street.

Present and sworn in:

Sheena Chadwick, representing applicant

Exhibits:

- A: Application #111-20 (3 pages: zoning, conditional use), submitted 10/5/20.
- B: Sketch of porch submitted 10/5/20.
- C: Note from neighbor, Eyvette Santamore, dated 10/6/20.
- D: Orthophoto of subject parcel and neighboring area dated 9/22/20.
- E: Notice to adjoining landowners, mailed certified on 10/15/20.

Findings of Fact:

1. Existing conditions: Janet Chadwick owns a 0.24-acre parcel located at 76 North Main Street. The property has a single-family dwelling on it. The lot predates the establishment of zoning regulations in the Village of Waterbury in 1973 and the lot is considered a pre-existing and conforming lot for the current use. The existing house is set back 41.5' from the center of North Main Street or 8.5' from the edge of the four-rod, or 66' wide, right-of-way for the street.
2. Proposal: The proposal is to construct a new 18 sq. ft., 3' deep porch roof on the front of the existing single-family dwelling as shown on Exhibits A and B.
3. VMR Dimensional Requirements, Table 5.2: *Minimum lot area: 10,000 sq. ft.; minimum frontage: no minimum requirement; minimum setbacks: 30' front, 10' sides, 30' rear.* The lot meets the minimum lot size. The existing lot frontage (lot width at the building front line) is approximately 133'.
4. Waiver Request: The front porch roof will be 5.5' from the edge of the right-of-way for North Main Street. The setback waiver request is to encroach into the front yard setback by 24.5' (30' minus 5.5').

5. Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use review in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties. The Board considered the following general and specific standards:
- a. Section 303(e)(1) Community facilities: No change in the residential use of the property is proposed. The new porch will enhance the access to the front of the house. The porch will not require an expansion of the municipal water or sewer system, will not burden the school capacity, and will not increase the demand for fire protection. The Board concludes that the proposal will not have an undue adverse impact on the capacity of existing or planned community facilities.
 - b. Section 303(e)(2)(A–E) Character of the area: The use of the property will remain residential. The new front porch will be similar in scale and location to many of the houses on North Main Street that already have front porches within a similar proximity/setback to the street. The application states: “The roof is very small, it will not affect any neighbor’s property.” The Board concludes that the project will not have an undue adverse impact on the character of the area.
 - c. Section 303(e)(3) Municipal bylaws in effect: The use of the property will remain residential. This project application presents compliance with the conditional use criteria. The Board concludes that the proposal will not violate any municipal bylaws and ordinances.
 - d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The project is a new front porch roof. This typical residential use will not emit any of the above-named nuisances. No controls are proposed. The Board concludes that no controls are necessary.
 - e. Section 303(h) Removal of earth or mineral products conditions: The project does not include earth-removal activities. This provision does not apply.

Conclusion:

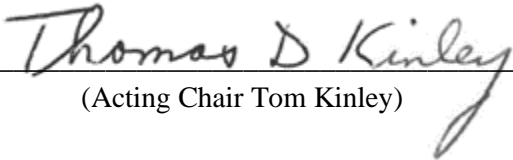
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Janet Chadwick to construct a new front porch roof that encroaches 24.5’ into the front setback at 76 North Main Street, as presented in application #111-20 and supporting materials, meets the Waiver and Conditional Use criteria set forth in Sections 309 and 303.

Motion:

On behalf of the Waterbury Development Review Board Tom Kinley moved and David Rogers seconded the motion to approve application #111-20 with the following conditions:

- (1) The Applicant shall complete the project in accordance with the Board’s findings and conclusions and the approved plans and exhibits.
- (2) All exterior lighting shall be downcast and shielded.

Vote: The motion was approved 7–0.



(Acting Chair Tom Kinley)

Approved: November 18, 2020

NOTICE: *This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. An appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.*

Town of Waterbury
Development Review Board
Decision #113-20 ■ November 4, 2020

Attending: Board members: David Frothingham (Chair), Tom Kinley, David Rogers, Bud Wilson, Patrick Farrell, Harry Shepard, and George Lester. Staff: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

Owner/Applicant:	Everett Norton	
Address/Location:	2032 U.S. Route 2, Waterbury, VT	
Zoning District:	Medium-Density Residential (MDR)	
Application #	113-20	Tax Map #12-018.000

Applicant Request:

The Applicant seeks a setback waiver to rebuild decks, add roofs and steps, and enclose an entrance in the front setback at 2032 U.S. Route 2 in the Medium-Density Residential zoning district.

Present and sworn in:

Everett Norton, Applicant

Exhibits:

- A: Application #113-20 (3 pages: zoning, conditional use), submitted 10/5/20.
- B: (B1) Parcel map/orthophoto showing the 60' front setback line, submitted 10/5/20;
(B2) Excerpt of prior Site Plan with the front yard setback sketched-in by Staff.
- C: Project plans and elevations prepared by Everett Norton, submitted 10/5/20.
- D: Photographs of the building from multiple angles, by Everett Norton, submitted 10/5/20.
- E: Assessor sketch of the building footprint submitted by Staff.
- F: Letter to adjoining landowners, mailed certified on 10/20/20.

Findings of Fact:

1. Existing conditions: Everett Norton owns a 3.0± acre parcel at 2032 U.S. Route 2 in the Medium-Density Residential (MDR) zoning district. The property is developed with a two-story two-family dwelling, built in 1830 (*prior to the enactment of the Zoning Regulations*). The dwelling is located approximately 47' from the road centerline. The lot has frontage on and an access drive to U.S. Route 2. The lot is served by private on-site water and wastewater.
2. Project: To rebuild existing decks, add roofs and steps, and enclose a front entrance. The decks will be rebuilt to the same dimensions. A 10' by 12' enclosure will be built around the easterly entrance. The roof overhang above the rebuilt deck for Door-1 (labeled D-1 on Applicant's Exhibit C3) will extend 18-inches closer to the front property line.
3. MDR Dimensional Requirements, Table 5.2: *Minimum lot area: 2 acres; minimum frontage: 200'; minimum setbacks: 60' front, 50' sides/rear.* The lot meets the minimum lot size and frontage

requirements; the existing dwelling is in the front-yard setback. The proposed project will not meet the minimum setback requirements. (Exhibit B)

4. Waiver Request, Section 309: Measuring from the road centerline, the nearest structure should not come closer than 85' (25' ROW + 60' MDR front setback requirement). The existing dwelling is 47' from the road centerline (38' within the front yard setback). The roof will extend 18-inches closer to the front property line/road centerline. The setback waiver request is to encroach on the front yard setback by 39.5-feet (85' to the road centerline minus 45.5').
5. Conditional Use/Waiver criteria: The project is construct additions to an existing dwelling. As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use review in accordance with Section 303, provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties. The Board considered the following general and specific standards:
 - (a) Section 303(e)(1) Community facilities: The project will not change the residential use as a two-family dwelling, or increase the occupancy; it will not unduly increase traffic, burden the school capacity, or increase the demand for fire protection. The Board concludes that the proposal will not have an undue adverse impact on the capacity of existing or planned community facilities.
 - (b) Section 303(e)(2)(A–E) Character of the area: The use of the property will remain residential. Some exterior lighting will be added. The style will match the existing style of the building. The Board concludes that the project is appropriate in scale and design in relation to existing uses and structures in the district and will not have an undue adverse impact on the character of the area.
 - (c) Section 303(e)(3) Municipal bylaws in effect: The project makes no change to the current residential use as a two-family dwelling and complies with the conditional use criteria. The Board concludes that the proposal will not violate any municipal bylaws and ordinances.
 - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change to the residential use is proposed and the dwelling additions will not create the above-named nuisances. The Board concludes that no devices or special methods would be necessary to prevent or control these impacts.
 - (e) Section 303(h) Removal of earth or mineral products conditions: The project does not include earth-removal activities. This provision does not apply.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the project proposed by Everett Norton for a residential addition to include decks, porches, and roofs over two front entries that will not come closer than 20.5' from the road centerline, as presented in application #113-20 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

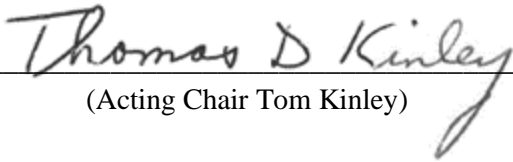
Decision Motion:

On behalf of the Waterbury Development Review Board, Tom Kinley moved, and Dave Rogers seconded the motion, to approve application #113-20 with the following conditions:

- (1) The Applicant shall complete the project in accordance with the Board’s findings and conclusions and the approved plans and exhibits.

- (2) All existing and proposed exterior lighting shall be downcast and shielded.

Vote: The motion was approved, 7–0.



(Acting Chair Tom Kinley)

Approved: November 18, 2020

***NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. An appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.*